

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:           Shannon V. Davidson, et al.  
Serial No.:                    10/825,021  
Filing Date:                 April 15, 2004  
Art Group:                    2191  
Confirmation No.             7500  
Examiner:                    Ted T. Vo  
Title:                         *System and Method for Topology-Aware Job Scheduling  
and Backfilling in an HPC Environment*

**MAIL STOP: AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

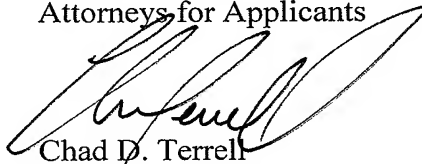
**Notice of Appeal**

Applicants hereby appeal to the Board of Patent Appeals and Interferences (the "Board") from the decision of the Examiner dated October 15, 2010, finally rejecting Claims 1-24. Applicants respectfully request the Board to reconsider these rejections. Concurrently with this Notice of Appeal, Applicants file a Pre-Appeal Brief Request for Review for consideration with this Notice of Appeal.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicants, at the Examiner's convenience at (214) 953-6813.

The Commissioner is hereby authorized to charge the \$540.00 Notice-of-Appeal fee to Deposit Account No. 02-0384 of Baker Botts L.L.P. Additionally, as indicated on the concurrently-filed Request for Extension of Time, the Commissioner is hereby authorized to charge the one-month extension-of-time fee of \$130.00 to Deposit Account No. 02-0384 of Baker Botts L.L.P. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any additional necessary fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants



Chad D. Terrell  
Reg. No. 52,279

Date: February 14, 2011

Correspondence Address:

Customer No.: **45507**